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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on May 19, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-96-1022-10

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of Polar Air Cargo, Inc. filed 5/7/99 for:

XX Waiver from dormancy condition:

By Order 95-3-30 the Department granted Polar Air Cargo exemption authority to provide scheduled all-cargo service in the U.S.-Argentina market and allocated it two weekly all-cargo frequencies for this service. By Order 97-3-6 the Department imposed its standard 90-day dormancy condition to the frequency allocation granted to Polar, stating that the frequencies will expire automatically and will revert to the Department for reallocation if they are not used for a period of 90 days. Polar temporarily discontinued its services to Argentina on August 23, 1998. On November 13, 1998, the Department granted Polar a waiver from the dormancy condition. Under the terms of that waiver Polar's frequency allocation would automatically expire if Polar didn't resume service by May 20, 1999. Polar seeks a further waiver from the 90-day dormancy condition so that the 90-day dormancy period would not begin until August 18, 1999. Polar states that it will resume service in the U.S.-Argentina market when it is able to offer a more competitive pattern of service.

Applicant rep.: Jeffrey A. Manley (202) 879-5161 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX **Granted**

The above action was effective when taken: May 19, 1999, until August 18, 1999¹

XX Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

(See Reverse Side)

¹ Polar's waiver from the dormancy condition is effective August 18, 1999, or until the date on which Polar resumes service with these frequencies, whichever occurs earlier. Once the waiver ceases to be effective, the 90-day dormancy condition applies from that point forward.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the waiver was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*